

REMARKS

Claim 1 has been amended to remove the limitation to carbon implantation and to add the limitation of claim 3.

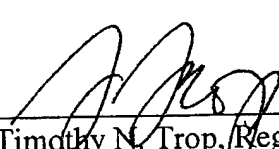
In the office action it is conceded that no reference teaches the element of claim 3 but, nonetheless, it is somehow concluded that it would be obvious to do what was set forth in former claim 3.

As a matter of law, such a rejection is non-statutory and should be reconsidered. But, even more to the point, the asserted rationale for why it would be obvious to do what is claimed is exactly the opposite of what the reference itself suggests. Namely, the patent application to Chidambaram suggests not implanting the fluorine to a depth deeper than the boron implant. In paragraph 55, the inventor explains that the fluorine dopant atoms function to remove interstitials from the crystal matrix and thereby substantially reduce the depth and lateral extent to which the target p-type boron dopant atoms penetrate during the anneal. In other words, the inventor of the cited reference believed that it was important for the implant of fluorine to be shallow so that it could help deal with interstitials in the implanted region. He would see no benefit to implanting the fluorine deeper, which he would consider simply wasting fluorine atoms.

Since the reference explicitly teaches away and no reference teaches what is claimed, reconsideration of the rejection of claim 1 is respectfully requested.

Respectfully submitted,

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